

(PCT Article 36 and Rule 70)

Date of submission of the demand	Date of completion of this report
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Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/002334

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-12 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-16 \_\_\_\_\_ received by this Authority on 15.04.2005 with telefax
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/3-3/3 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims 3-9, 11-13, 15, 16	YES
		Claims 1, 2, 10, 14	NO
	Inventive step (IS)	Claims 3-9	YES
		Claims 1, 2, 10-16	NO
	Industrial applicability (IA)	Claims 1-16	YES
		Claims	NO
2.	Citations and explanations (Rule 70.7)		
1.	In the present report, reference is made to the following documents:		
	D1: EP 0 322 896 A (NAKANISHI DENTAL MFG) 5 July 1989 (1989-07-05)		
	D2: FR 2 393 564 A (BUERMOOS DENTALWERK) 5 January 1979 (1979-01-05)		
2.	INDEPENDENT CLAIM 1		
2.1	The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not comply with the criterion of novelty as defined by PCT Article 33(2). D1 describes (the references between parentheses apply to said document):		
	a device for fastening a dental instrument to a tool-holder assembly, whereby a dental tool or instrument is fastened and rotated about a drive axis, such that said tool-holder assembly (118) is incorporated in a head (12) of a dental handpiece and coupled to a movement transmission assembly, built into a sleeve (13) of said handpiece (10);		
	(a) said device mainly consists of a deformable and		

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	<p>elastic clamping/releasing means in belt form (118a), of which at least two portions have a cross-section (118a-vi and 118a-vii) for engaging a throat or ring-shaped groove (11b) provided on the upper portion of the instrument and holding said instrument by clamping forces; said clamping/releasing means further comprises means (20) for applying releasing forces so as to cancel the clamping forces and thereby free the instrument (see column 5, lines 3 to 32 and figures 3 to 6);</p> <p>(b) wherein the clamping/releasing means fulfils the function of upper axial limit of the instrument by engaging under the upper shoulder of said groove (see reference 18a-iv on figure 4);</p> <p>(c) and wherein the portions of the clamping/releasing means that engage in the throat or ring-shaped groove are regularly angularly spaced (see figure 6).</p> <p>2.2 The subject matter of claim 1 is also known from D2 (see page 5, lines 1 to 17 and figures 1 to 3 and 5). In D2, the rollers (16) forming part of the clamping/releasing means are diametrically opposed and limit the axial movement of the instrument by engaging under the upper shoulder of said groove (see page 4, lines 3 to 8 and figure 5). Note that the key system (24, 25) provides rotational support for the tool relative to the hollow shaft (2).</p> <p>3. DEPENDENT CLAIMS 2 and 10 to 16</p> <p>Said claims contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with</p>

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	<p>the PCT requirements of novelty and inventive step (PCT Article 33(2) and (3)).</p> <p>3.1 D2 also discloses a fastening device that is removable, particularly by unscrewing the ring 19 (see figure 4), as per claim 2; an elastic split ring (118a) that can be considered to be a ring-shaped gripper provided with shoulders (118a-vi, 118a-vii; see column 5, lines 20 to 23), as per claim 10; and a pushbutton (20; see figure 4), as per claim 14. Consequently, the subject matter of claims 2, 10 and 14 fails to meet the requirement of novelty.</p> <p>3.2 The additional features consisting of a frusto-conical portion of the split ring (claim 11), an axially-guided pushbutton (claim 12), a pushbutton comprising spring plates (claim 13), a pushbutton rigidly connected to the tool holder (claim 15) and a snap-fastened pushbutton (claim 16) are considered to be part of the standard practice of a person skilled in the art. Consequently, the subject matter of claims 11 to 13, 15 and 16 fails to meet the requirement of inventive step.</p> <p>4. DEPENDENT CLAIM 3</p> <p>4.1 The combination of features of claim 3 is not found in the prior art and cannot be derived in an obvious manner therefrom for the following reasons:</p> <p>In the light of the cited documents, the parallelogram shape of the clamping/releasing means having two ends projecting diametrically beyond the shell of the head constitutes an alternative that is not obvious to a</p>

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	<p>person skilled in the art.</p> <p>4.2 Claims 4 to 9 are dependent on claim 3 and thus also comply, as such, with the PCT requirements of novelty and inventive step.</p>